

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF VIRGINIA
Alexandria Division

PRECISION FRANCHISING, LLC,

Plaintiff,

V.

T&S HOLDINGS, INC., *et al.*,

Defendants.

Civil Action No. 1:23-cv-858 (RDA/IDD)

ORDER

This matter comes before the Court upon a Report and Recommendation (“R&R”) issued by Magistrate Judge Ivan D. Davis on March 1, 2024. Dkt. 27. In Plaintiff Precising Franchising, LLC’s Complaint, Plaintiff asserted three counts of breach of contract relating to the parties’ Franchise Agreement seeking monetary damages, a declaratory judgment, and injunctive relief. Dkt. 1. Plaintiff filed a motion for default judgment. Dkt. 17. Magistrate Judge Davis recommends that default judgment be entered as to Counts I and II of the Complaint. Dkt. 27. Pursuant to Federal Rule of Civil Procedure 72(b)(2), the deadline for submitting objections to the R&R was March 15, 2024. To date, no objections have been filed.

After reviewing the record and Magistrate Judge Davis' R&R, and finding no clear error,¹ the Court hereby APPROVES and ADOPTS the R&R (Dkt. 27).

Accordingly, it is hereby ORDERED that Plaintiff's Motion for Default Judgment (Dkt.

¹ See *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005) (in the absence of any objections to a Magistrate Judge’s Recommendation, the Court “need not conduct a *de novo* review, but instead must ‘only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation’”).

17) is GRANTED as to Counts I and II of the Complaint; and it is

FURTHER ORDERED that declaratory judgment enter in favor of Plaintiff Precision Franchising, LLC that Defendants T&S Holdings, Inc. and Todd Evans breached the terms of the Franchise Agreement by failing to spend 7.5% of Defendants' weekly gross sales on local advertising and promotion; and it is

FURTHER ORDERED that default judgment enter in favor of Plaintiff Precision Franchising, LLC and against Defendants T&S Holdings, Inc. and Todd Evans, jointly and severally, in the amount of \$95,428.85.

The Clerk is directed to enter judgment in this matter pursuant to Federal Rule of Civil Procedure 55(b) in favor of Plaintiff Precision Franchising LLC and against Defendants in the amount of \$95,428.85. The Clerk is further directed to forward copies of this Order to counsel of record.

It is SO ORDERED.

Alexandria, Virginia
August 7, 2024

/s/ 

Rossie D. Alston, Jr.
United States District Judge